

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FRIENDS OF GEORGE'S, INC.,)	
)	
Plaintiff,)	
)	No. 2:23-cv-02163-TLP-tmp
v.)	
)	
STATE OF TENNESSEE, BILL LEE, in his)	
official and individual capacity as governor)	
of Tennessee, and JONATHAN SKRMETTI,)	
in his official and individual capacity as the)	
Attorney General of Tennessee,)	
)	
Defendants.)	

FRIENDS OF GEORGE'S, INC.,)	
)	
Plaintiff,)	
)	No. 2:23-cv-02176-TLP-tmp
v.)	
)	
STEVEN J. MULROY, in his official and)	
individual capacity as District Attorney)	
General of Shelby County, Tennessee,)	
)	
Defendant.)	

**ORDER EXTENDING TEMPORARY RESTRAINING ORDER AND
CONSOLIDATING CASES**

The Court held a status conference with counsel on April 5, 2023. (*See* Civ. No. 23-2163, ECF No. 30 and Civ. No. 23-2176, ECF No. 21.) At the conference, the Parties agreed to two things. First, the Parties agreed to consolidate these cases because both involve common questions of law and fact. (*Id.*) Second, the Parties agreed to a consolidated preliminary

injunction hearing and trial on the merits. (*Id.*) With that in mind, Defendants consented to an order extending the temporary restraining order (“TRO”) until May 26, 2023.

Under Federal Rule of Civil Procedure 42(a), a court may consolidate actions if they “involve a common question of law and fact.” Here, the Parties do not dispute that both cases involve a common question of law and fact. The Court therefore **CONSOLIDATES** case number 2:23-cv-02176-TLP-tmp with case number 2:23-cv-02163-TLP-tmp.¹

Under Federal Rule of Civil Procedure 65(b)(2), the Court may extend a TRO for up to fourteen days unless “the adverse party consents to a longer extension.” Defendants consented to an extension period longer than fourteen days, and the Court finds there is good cause to extend the TRO for two reasons: First, extending the TRO gives the Parties enough time to conduct discovery and to brief the issues fully for a preliminary injunction hearing and trial on the merits on May 23, 2023. Second, extending the TRO affords flexibility for the Court’s heavy trial schedule with other cases in the next seven weeks.

For the reasons above, the Court **EXTENDS** the temporary restraining order prohibiting Governor Bill Lee, Attorney General Jonathan Skrmetti, and Shelby County District Attorney Steven Mulroy from enforcing Tennessee Code Annotated § 7-51-1407 **UNTIL May 26, 2023**. This Order shall expire on May 26, 2023, unless the Court extends the Order for an additional period under Federal Rules of Civil Procedure 65(b)(2) before it expires.

SO ORDERED, this 6th day of April, 2023.

s/Thomas L. Parker
THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE

¹ The Court respectfully **DIRECTS** the Clerk of Court to add the filings and Defendant Steven J. Mulroy, in his individual, and official capacity as District Attorney of Shelby County, in case number 2:23-cv-02176-TLP-tmp to the consolidated case number 2:23-cv-02163-TLP-tmp. The Court also **DIRECTS** the Clerk to close case number 2:23-cv-02176-TLP-tmp after the consolidation.